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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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JACQUELINE WILLIAMS,

No. C 10-04657 CRB

Plaintiff,

**ORDER OF REMAND**

v.

AURORA LOAN SERVICES, et al.,

Defendants.

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Pro se Plaintiff Jacqueline Williams brought suit against Aurora Loan Services in the Superior Court of California, County of Alameda, in August 2010, alleging: breach of the warranty of habitability, contract; breach of the warranty of habitability, tort; negligence; breach of the covenant of quiet enjoyment; breach of the covenant of goof fainted [sic] fair dealing; nuisance; violation of Civil Code § 1941.1 and 942.3; “untenantable dwelling”; retaliation under Civil Code § 1942.5; two counts of wrongful eviction- common law; intentional infliction of emotional distress; negligent infliction of emotional distress; breach of contract; and a cause of action entitled “civil rights violation,” under 42 U.S.C. § 1983.

See generally Not. of Removal Ex. 1. Defendants removed the case in October 2010, based on federal question jurisdiction, “in particular the Civil Rights Act, 42 U.S.C. § 1983.”

See Not. of Removal (dckt. no. 1) at 2. Defendants subsequently filed a Motion to Dismiss (dckt. no. 6) and a Motion to Strike (dckt. no. 8) in this Court, both calendared for January 7,

1 2011.

2 Plaintiff has now filed a Motion to Remand (dckt. no. 15) in which she asserts that she  
3 is “dropping the Civil Rights Violation (42 USC @ [sic] 1983) and asking Judge Charles R.  
4 Breyer to send plaintiff case back to Superior Court of California.” The Court construes  
5 Plaintiff’s Motion as a Voluntary Dismissal with prejudice of Plaintiff’s sole federal claim,  
6 under Federal Rule of Civil Procedure 41(a). In light of this Voluntary Dismissal, the Court  
7 declines to exercise supplemental jurisdiction over the remaining state court claims. See  
8 Acri v. Varian Assocs., Inc., 114 F.3d 999, 1001 (9th Cir. 1997) (quoting Carnegie-Mellon  
9 Univ. v. Cohill, 484 U.S. 343, 350 n.7 (1988)) (“[I]n the usual case in which all federal-law  
10 claims are eliminated before trial, the balance of factors . . . will point toward declining to  
11 exercise jurisdiction over the remaining state law claims.”). Accordingly, the Court  
12 REMANDS the case to state court; the motion hearings on January 7, 2011 are hereby  
13 VACATED.

14 **IT IS SO ORDERED.**



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17 Dated: December 17, 2010  
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE